

1 Guy B. Wallace (SBN 176151)
gwallace@schneiderwallace.com
2 Mark T. Johnson (SBN 76904)
mjohnson@schneiderwallace.com
3 SCHNEIDER WALLACE
COTTRELL KONECKY LLP
4 2000 Powell Street, Suite 1400
Emeryville, California 94608
5 Telephone: (415) 421-7100
Facsimile: (415) 421-7105
6

7 Linda M. Dardarian (SBN131001)
ldardarian@gdbhlegal.com
8 Andrew P. Lee (SBN 245903)
alee@gdbhlegal.com
9 GOLDSTEIN, BORGES,
DARDARIAN & HO
10 155 Grand Avenue, Suite 900
Oakland, California 94612
Telephone: (510) 763-9800
11 Facsimile: (510) 835-1417

12 Attorneys for Plaintiffs and Proposed Class

13 *Additional counsel on following page*

14
15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**
17

18 JUDY GRIFFIN, OLIVIA ALMALEL,
R.S., by and through her guardian ad litem,
19 Matthew Struski, and COMMUNITIES
ACTIVELY LIVING INDEPENDENT
20 AND FREE (“CALIF”), on behalf of
themselves and all others similarly situated,
21

22 Plaintiffs,

23 vs.
24

25 CITY OF LOS ANGELES,
26 Defendant.
27
28

Case No: 2:24-cv-06312

CLASS ACTION

**[PROPOSED] STIPULATED ORDER
RE: DISCOVERY OF
ELECTRONICALLY STORED
INFORMATION**

1 Jinny Kim (SBN 208953)
jkim@dralegal.org
2 Amelia Evard (SBN 341940)
aevard@dralegal.org
3 DISABILITY RIGHTS ADVOCATES
2001 Center Street, Third Floor
4 Berkeley, California 94704-1204
Telephone: (510) 665-8644
5 Facsimile: (510) 665-8511

6 Paula Pearlman (SBN 109038)
pauladpearlman@gmail.com
7 LAW OFFICES OF PAULA PEARLMAN
9610 Beverlywood Street
8 Los Angeles, California 90034-1825
Telephone: (213) 760-1340
9

10 Attorneys for Plaintiffs and Proposed Class

11 Elizabeth M. Pappy (SBN 157069)
12 E-mail: epappy@bwsllaw.com
Daphne M. Anneet (SBN 175414)
13 E-mail: danneet@bwsllaw.com
Evan L. Miller (SBN 336473)
14 E-mail: emiller@bwsllaw.com
Anna G. Barker (SBN 352896)
15 E-mail: abarker@bwsllaw.com
BURKE, WILLIAMS & SORESENSEN, LLP
16 444 South Flower Street, Suite 2400,
Los Angeles, CA 90071-2953
17 Tel: 213.236.0600 Fax: 213.236.2700

18 HYDEE FELDSTEIN SOTO, City Attorney (SBN 106866)
DENISE C. MILLS, Chief Deputy City Attorney (SBN 191992)
19 KATHLEEN A. KENEALY, Chief Assistant City Attorney (SBN 212289)
GABRIEL S. DERMER, Assistant City Attorney (SBN 229424)
20 200 North Main Street, Room 675
Los Angeles, California 90012
21 Tel: 213-978-7558 / Fax: 213-978-7011
gabriel.dermer@lacity.org
22

23 Attorneys for Defendant
CITY OF LOS ANGELES
24
25
26
27
28

1 **1. PURPOSE**

2 This Order will govern discovery of electronically stored information (“ESI”) in
3 this case as a supplement to the Federal Rules of Civil Procedure, this Court’s Local
4 Rules, this Court’s Standing Order on Discovery Disputes, and any other applicable
5 orders and rules. Nothing in this order is intended to alter or affect any party’s rights or
6 obligations under any order by the assigned District Judge, but shall be construed
7 instead, wherever possible, as consistent with any order by the assigned District Judge.

8 **2. COOPERATION**

9 The parties are aware of the importance the Court places on cooperation and
10 commit to cooperate in good faith throughout the matter consistent with this Court’s
11 Standing Order on Discovery Disputes, the Federal Rules of Civil Procedure, and the
12 Local Rules of this Court. The parties acknowledge that they have reviewed and shall
13 reference the Court’s Checklist for Conference of Counsel Regarding ESI (attached as
14 Exhibit A) during any Rule 26 conference and when seeking to resolve discovery
15 disputes about ESI during meet-and-confer conferences.

16 **3. ESI PERSON(S) MOST KNOWLEDGEABLE**

17 The parties have identified ESI Person(s) Most Knowledgeable (“ESI PMK”) to
18 each other who are and will be knowledgeable about and responsible for discussing their
19 respective ESI. Each ESI PMK will be, or have access to those who are, knowledgeable
20 about the technical aspects of e-discovery, including the location, nature, accessibility,
21 format, collection, search methodologies, and production of ESI in this matter. The
22 parties will rely on the ESI PMK, as needed, to confer about ESI and to help resolve
23 disputes without court intervention.

24 **4. PRESERVATION**

25 The parties have discussed their preservation obligations and needs and agree that
26 preservation of potentially relevant ESI will be reasonable and proportionate. At this
27 time, neither party has identified any ESI that they believe would be burdensome to
28

1 preserve. Going forward, should either party identify categories of documents or data
2 that they contend would be burdensome or disproportionate to preserve, the parties will
3 meet and confer to determine what measures, if any, should be taken to minimize the
4 burden while preserving documents that are relevant and proportionate to the needs of
5 the case.

6 **5. SEARCH**

7 The parties agree that in responding to an initial Fed.R.Civ.P.34 request, or earlier
8 if appropriate, they will meet and confer about methods to search ESI to identify ESI
9 that is subject to production in discovery and filter out ESI that is not subject to
10 discovery. To the extent that search terms or phrases are used to identify and produce
11 responsive ESI, the parties will meet and confer regarding the terms to be used and the
12 custodians or files to which such search terms should be applied.

13 **6. PRODUCTION FORMATS**

14 The parties agree to produce documents in PDF, TIFF, native and/or paper
15 formats, or a combination thereof, as appropriate or agreed upon with respect to
16 particular productions. As a general rule, ESI shall be produced in the format and
17 manner set forth in Exhibit A to this stipulation with the metadata identified therein. If
18 particular documents warrant a different format or manner of production, the parties will
19 cooperate to arrange for the mutually acceptable production of such documents. The
20 parties agree not to degrade the searchability of documents as part of the document
21 production process.

22 **7. PHASED DISCOVERY**

23 When a party propounds discovery requests pursuant to Fed.R.Civ.P. 34, the
24 parties will meet and confer on whether the production of responsive ESI should be
25 phased and, if so, which categories or types of documents should be prioritized.
26 Following the initial production, the parties will continue to prioritize the order of
27 subsequent productions.
28

1 8. **DOCUMENTS PROTECTED FROM DISCOVERY**

2 a) Pursuant to Fed. R. Evid. 502(d), the production of a privileged or work-
3 product-protected document, whether inadvertent or otherwise, is not a waiver of
4 privilege or protection from discovery in this case or in any other federal or state
5 proceeding. Nothing contained herein, however, is intended to limit a party's right to
6 conduct a review of ESI for relevance, responsiveness and/or privilege or other
7 protection from discovery.

8 b) Communications involving trial counsel that post-date the filing of the
9 complaint need not be placed on a privilege log. Communications may be identified on
10 a privilege log by category, rather than individually, if appropriate.

11 9. **MODIFICATION**

12 This Stipulated Order may be modified by a Stipulated Order of the parties or by
13 the Court for good cause shown.

14
15 IT IS SO STIPULATED, through Counsel of Record.

16
17 Dated: November 13, 2024

DISABILITY RIGHTS ADVOCATES

18
19 By: /s/ Jinny Kim

20 Attorneys for Plaintiffs

21
22 Dated: November 13, 2024

BURKE, WILLIAMS & SORENSEN, LLP

23
24
25 By: /s/ Elizabeth M. Pappy

26 Elizabeth M. Pappy

Daphne M. Anneet

27 Attorneys for Defendant
28

IT IS ORDERED that the forgoing Agreement is approved.

Dated:

HONORABLE MARGO A. ROCCONI
United States Magistrate Judge

EXHIBIT A TO STIPULATED ORDER RE DISCOVERY OF ESI
PRODUCTION FORMAT AND METADATA

1. **Production Components.** Productions shall include, single page TIFFs, Text Files, an ASCII delimited metadata file (.txt, .dat, or .csv) and an image load file that can be loaded into commercially acceptable production software (e.g., Concordance).
2. **Search Parameters.** Scanned images must be OCR'd to ensure they are searchable prior to any keyword searching. "OCR" means Optical Character Recognition, and is the machine recognition of printed characters from Image Files or other non-searchable text contained in a document into machine-encoded text so that the text can be indexed and searched for specific characters, words or phrases. For each document, an extracted text file should be provided along with its corresponding TIFF image file(s) and metadata. The file name of each extracted text file should be identical to that of the first image page of its corresponding document, followed by .txt.
3. **Image Load File** shall contain the following comma-delimited fields: BEGBATES, VOLUME, IMAGE FILE PATH, DOCUMENT BREAK, FOLDER BREAK, BOX BREAK, PAGE COUNT.
4. **Metadata Fields and Metadata File.** Each of the metadata and coding fields set forth below that can reasonably be extracted shall be produced for each document. The parties are not obligated to populate manually any of the fields below if such fields cannot be extracted from a document, with the exception of the following: BEGBATES, ENDBATES, BEGATTACH, ENDATTACH, and CUSTODIAN. The parties shall use reasonable efforts to preserve metadata at collection, though the parties recognize that no every file collected needs to be collected so-as to preserve all available metadata. For example, a named plaintiff collecting her own loose file records does not need to do so forensically. To the extent a collected

document's metadata at processing is inaccurate or likely to cause confusion (e.g., reflecting a modified date as the date of collection), that file's metadata may be omitted from production. This exception is meant to be limited in use and typically does not apply to emails. The metadata file shall be delimited according to the following characters:

- Delimiter = ¶ (ASCII:020)
- Text-Qualifier = þ (ASCII:254)
- New Line = ® (ASCII:174)

Field Name	Field Description
BEGBATES	Beginning Bates number as stamped on the production image
ENDBATES	Ending Bates number as stamped on the production image
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
CUSTODIAN	Includes the Individual (Custodian) from whom the documents originated and all Individual(s) whose documents de-duplicated out (De-Duped Custodian).
ALL CUSTODIAN	A semi-colon delimited list of all custodians in possession of a document.

CONFIDENTIALITY	Indicates if a document is designated Confidential (Y) or not (N) under the operating protective order.
SUBJECT	Subject line of email
TITLE	Title from properties of document
DATESENT	Date email was sent (format: MM/DD/YYYY HH:MM:SS)
TO	All recipients that were included on the “To” line of the email
FROM	The name and email address of the sender of the email
CC	All recipients that were included on the “CC” line of the email
BCC	All recipients that were included on the “BCC” line of the email
AUTHOR	Any value populated in the Author field of the document properties
FILENAME	Filename of an electronic document (Edoc or attachment)
MD5HASH	MD5 hash value of the file
REDACTION	Indicates if a document contains redactions (Y) or not (N).

LOCATION	Original file path showing where the document was stored. For email, this should be the email folder path (e.g. johndoe.pst\Inbox\). For loose files, this should be the path to the file (e.g. Johndoe\Desktop\My Documents\)
DATEMOD	Date an electronic document was last modified (format: MM/DD/YYYY HH:MM:SS) (Edoc or attachment)
DATECREATED	Date the document was created (format: MM/DD/YYYY HH:MM:SS) (Edoc or attachment)
FILETYPE	The document file type (e.g. MS Word, Excel)
FILE EXTENSION	The original file extension of the document produced (e.g., .DOC, .PPT, .XLS)
TEXTLINK	Searchable Text File Link
NATIVELINK	Native File Link (Native Files only)

5. **TIFFs.** Documents that exist only in hard copy format shall be scanned and produced as TIFFs. Unless exempted below, documents that exist as ESI shall be converted and produced as TIFFs. Unless exempted below, single page Group IV TIFFs should be provided, at least 300 dots per inch (dpi) for all documents. Each TIFF image shall be named according to a unique corresponding Bates number associated with the document. Each image shall be branded according to the Bates number and the agreed upon confidentiality designation. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape). TIFFs shall show all text and images that would be visible to a user of the hard

1 copy documents.

- 2 6. **Text Files.** A single text file containing OCR or extracted text shall be provided for each
3 document, and the filename should match its respective TIFF filename. A commercially
4 acceptable technology for optical character recognition “OCR” shall be used for all
5 unsearchable, scanned or hard copy documents. Text files will not contain the redacted
6 portions of the documents and OCR text files will be substituted instead of extracted text files
7 for redacted documents.
8
- 9 7. **Image Load Files / Data Load Files.** Each TIFF in a production must be referenced in the
10 corresponding image load file. The total number of documents referenced in a production’s
11 data load file should match the total number of designated document breaks in the Image
12 Load file(s) in the production. The total number of pages referenced in a production’s image
13 load file should match the total number of TIFF files in the production. The total number of
14 documents in a production should match the total number of records in the data load file.
15
- 16 8. **Bates Numbering.** All images must be assigned a unique Bates number that is sequential
17 within a given document and across the production sets.
18
- 19 9. **Deduplication**
20 Parties agree to use reasonable efforts to de-duplicate their productions by using hash-based or
21 similar methods. Deduplication should be applied at the Custodial Level.
22
- 23 10. **Confidentiality Designation.** Responsive documents in TIFF format will be stamped with
24 the appropriate confidentiality designations in accordance with the Protective Order in this
25 matter. Each responsive document produced in native format will have its confidentiality
26 designation identified in the filename of the native file.
27
- 28 11. **Redaction of Information.** If documents are produced containing redacted information, an

1 electronic copy of the original, unredacted data shall be securely preserved in such a manner
2 so as to preserve without modification, alteration or addition the content of such data
3 including any metadata therein.

4 **12. Native File Productions.** Spreadsheets (e.g., MS Excel, Google Sheets) and delimited text
5 files (e.g. comma-separated value (.csv) files and tab-separated value (.tsv) files) shall be
6 produced in their native file format. TIFF images need not be produced unless the files have
7 been redacted, in which instance such files shall be produced in TIFF with OCR Text Files. If
8 good cause exists to request production of files, other than those specifically set forth above,
9 in native format, the party may request such production and provide an explanation of the
10 need for native file review, which request shall not unreasonably be denied. Any native files
11 that are produced shall be produced with a link in the NativeLink field, along with extracted
12 text and applicable metadata fields set forth in the Metadata list above. A TIFF placeholder
13 indicating that the document was provided in native format should accompany the database
14 record. If a file has been redacted, TIFF images and OCR text of the redacted document will
15 suffice in lieu of a native file and extracted text.

16 **13. Proprietary Files.** To the extent a response to discovery requires production of ESI
17 accessible only through proprietary software, the parties should continue to preserve each
18 version of such information. The parties shall meet and confer to finalize the appropriate
19 production format.

20 **14. De-Nisting and Exclusion of Non-Readable Files.** To the extent reasonably possible, all
21 produced files will be subject to de-nisting, which involves the removal of system files and
22 other irrelevant data identified through hash-based deduplication methods or recognized non-
23 substantive file extensions.
24 Any files that are deemed non-readable by the designated E-Discovery Review Platform (such
25
26
27
28

1 as Concordance or Relativity) due to corruption, encryption, or incompatible file formats will,
2 to the extent reasonably possible, be excluded from the initial review set. Such files will be
3 logged in a separate report, detailing the file name, file type, and reason for exclusion. The
4 producing party may either provide a readable version of the excluded files or confirm that no
5 readable version exists.

6
7 In cases where critical information is embedded in a non-readable file format, parties will, to
8 the extent reasonably possible, work cooperatively to determine alternative methods of
9 accessing or converting the file to ensure its inclusion in the review.

10 **15. Production Media.** Documents may be produced by secure FTP, external hard drives,
11 readily accessible computer(s), or other electronic media ("Production Media"). Each piece
12 of Production Media shall identify a production number corresponding to the production
13 volume (e.g., "VOL001," "VOL002"), as well as the volume of the material in that production
14 (e.g. "-001," "-002"). As reasonable, each piece of Production Media shall also identify: (1)
15 the producing party's name; (2) the production date; and (3) the Bates Number range of the
16 materials contained on the Production Media.
17
18
19
20
21
22
23
24
25
26
27
28